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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 FOIA CONSCIOUSNESS.COM LLC,

13 Plaintiff,

14 v.

15 NATIONAL ARCHIVES & RECORDS
16 ADMINISTRATION,

17 Defendant,

18 DALLAS COUNTY HISTORICAL
19 FOUNDATION d/b/a THE SIXTH FLOOR
20 MUSEUM AT DEALEY PLAZA,

21 Respondent.

CASE NO. 3:24-cv-00997

**STIPULATED REQUEST AND
[PROPOSED] ORDER TO VACATE
CASE MANAGEMENT
CONFERENCE**

22
23 Pursuant to Local Rules 6-2 and 7-12, the parties in the above-captioned cases jointly
24 request that the Court vacate the Case Management Conference currently scheduled for June 6,
25 2024, at 10 AM. The parties stipulate and agree as follows:

- 26 1. Plaintiff filed the operative complaint in this case on February 20, 2024. Upon
27 assignment of this case to Judge Donato, the Court ordered the parties to submit a

28 *FOIA Consciousness.com LLC v. NARA*, No. 3:24-cv-00997
Stipulated Request and [Proposed] Order to Vacate Case Management Conference

Case Management Statement on May 30, 2024, and scheduled a Case Management Conference for June 6, 2024. ECF No. 23.

2. Defendant answered the complaint on April 24, 2024. ECF No. 23. That same day, Respondent Sixth Floor Museum filed a motion to dismiss on the grounds of lack of personal jurisdiction. ECF No. 26. That motion is now fully briefed and scheduled to be heard on June 6, 2024, the date currently set for the case management conference.
3. The parties conducted a meet-and-confer in order to discuss the Case Management Statement on May 16, 2024. In light of their discussion, the parties are in agreement that, as is typical in FOIA cases, discovery is not necessary, and the case will be ready to proceed to summary judgment once the Court has ruled on Respondent's motion to dismiss. *See, e.g., Nat'l Wildlife Fed'n v. U.S. Forest Service*, 861 F.2d 1114 (9th Cir. 1988). The parties are negotiating a schedule for briefing summary judgment and will submit their proposed schedule with the Case Management Statement no later than May 30, 2024.
4. Good cause exists to remove the Case Management Conference from the calendar for numerous reasons. Respondent has a motion to dismiss currently pending before the Court, and the parties agree that irrespective of the outcome of that motion, the case should proceed to cross-motions for summary judgment. Moreover, counsel for Defendant, which is not party to the pending motion to dismiss, is located in Washington, DC, and traveling for a Case Management Conference under these circumstances would not be proportional to the needs of this case, given the parties' agreement on how the case should be managed. Alternatively, Defendant requests the opportunity to appear for any case management conference remotely.

A proposed order is attached.

1 DATE: May 24, 2024

Respectfully submitted,

2 /s/Mark L. Javitch

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/s/Michael J. Gerardi
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